

Claim 1 claims a method of producing a semiconductor device comprising dry etching an upper layer pattern formed on an insulating film such that at least a part of the insulating film is exposed. Referring to Applicant's Figure 1 as an illustrative example, the upper layer pattern 105 is dry etched to expose at least a part of insulating film 104.

This is clearly unlike *Miyasaka*, which fails to disclose an upper layer pattern. Referring to *Miyasaka* Figures 18A-18B, *Miyasaka* discloses forming an insulating layer 13 on an amorphous silicon layer 12 and a substrate 11. As shown in Figure 18A, a mask 22 is formed on the insulating layer 13. And then the insulating layer 13 is dry etched, as shown in Figure 18B.

Unlike Applicant's claim 1, nowhere does *Miyasaka* disclose or even suggest etching an upper layer pattern to expose its insulating layer 13. Instead, *Miyasaka* merely etches its insulating layer 13 and does not even disclose an upper layer pattern. Therefore, *Miyasaka* could not disclose or even suggest Applicant's claim 1.

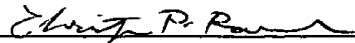
Claim 2 depends directly or indirectly from claim 1 and is therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-2 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend claim 1 as follows:

1. (Twice Amended) A method of producing a semiconductor device, the method comprising the [step] steps of:

dry etching an upper layer pattern formed on [of] an insulating film [in a state where] such that at least a part of the insulating film, which is formed above an element separation and a substrate, is exposed; and

after the dry etching, exposing a surface of the insulating film to a film formation atmosphere of the insulating film prior to forming additional layers upon the insulating film [after the dry etching].